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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,973	07/18/2003	Daniel J. Zillig	58067US002	3008

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EXAMINER

MATZEK, MATTHEW D

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/622,973

Applicant(s)

ZILLIG ET AL.

Examiner

Matthew D. Matzek

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 37-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>ALL</u>   | 6) <input type="checkbox"/> Other: _____                                    |

*Election/Restrictions*

**DETAILED ACTION**

*Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-36, drawn to a cleaning wipe, classified in class 442, subclass 149.
- II. Claims 37-46, drawn to method of making a cleaning wipe, classified in class 156, subclass 308.2.

The inventions are distinct, each from the other because of the following reasons:

1. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the article of Invention I may be made via a materially different process. The first fiber web lay could be coated with a layer of tacky material after which the second fiber web layer could be applied to the tacky layer thereby assembling the article of Invention I.
2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
3. During a telephone conversation with Sean Edman on 2/2/2005 a provisional election was made with traverse to prosecute the invention of a cleaning wipe, claims 1-36. Affirmation of this election must be made by applicant in replying to this Office action. Claims 37-46 are

withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-11, and 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka, et al. (EP 0822093).
5. Tanaka et al. disclose a cleaning sheet, which comprises a substrate, a pressure-sensitive adhesive (PSA) layer formed on one or both sides of the substrate, and a porous screen disposed on the PSA layer (Abstract). As the PSA layer is positioned between the substrate layer and the porous screen the article of Tanaka et al. necessarily has a larger amount of tacky material in the central region than at the opposing faces of the article. The central region of PSA may be divided in a manner that allows for the amount of PSA applied to the second fiber web to be greater than that applied to the first fiber web. The fibers immediately adjacent the PSA layer would necessarily be more proximate to the central (adhesive) layer and are coated by the PSA. The fibers at the other face of the same fiber web would be more proximate to the working face and possess a lower coated volume. The cleaning sheet is substantially non-tacky when the cleaning sheet surface is kept in a non-pressed state due to the absence of PSA at the working surface (Abstract).

6. Example 1 of the applied application utilizes a PSA consisting of 2-ethylhexyl acrylate, acrylic acid, and ethyl acetate at a thickness of 30 microns (col. 9, lines 40-48). Using the rule of mixtures the density of the PSA is 0.89695 g/cc, which provides a basis weight of the PSA layer of 26.9 g/m<sup>2</sup> (calculation done by Examiner).

$$0.89695 \text{ g/cc} = 896,950 \text{ g/m}^3 \text{ (density conversion)}$$

$$896,950 \text{ g/m}^3 * 30 * 10^{-6} \text{ m (thickness)} = 26.9 \text{ g/m}^2 \text{ basis weight of PSA layer}$$

7. The porous screen may be a non-woven or woven fabric made of polyesters, polypropylenes, and mixtures of these (col. 4, lines 45-58). The PSA may comprise hot-melt PSAs such as synthetic rubbers, silicone rubbers, and natural rubber (col. 4, lines 33-40).

Example 1 of the applied application utilizes a PSA consisting of 2-ethylhexyl acrylate, acrylic acid, and ethyl acetate at a thickness of 30 microns (col. 9, lines 40-48).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 12-14 and 25-36 are rejected under 35 U.S.C. 103(a) as obvious over Tanaka et al. in view of Truong et al. (US 2004/0074520). The invention of Tanaka et al. has been previously disclosed, but is silent as to the Drag Value of the cleaning sheet and its use of either face of the article as a cleaning sheet.

9. Truong et al. disclose a double-sided cleaning implement comprising a reversible cleaning pad including first and second sides of cleaning web material (Abstract). The first and

Art Unit: 1771

second layers are made of a cleaning web material such as a woven cloth web comprising microfibers, preferably microfibers of polyester and nylon (paras 49 and 52). The layers of the cleaning pad are joined together in any conventional manner including adhesive (para 49). The table on page 7 lists the Drag Values of embodiments of the applied application. These values range from 1.33 – 3.33 N, which is equivalent to 0.281 - 0.749lb<sub>f</sub> (Conversion done by Examiner).

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the invention of Tanaka et al. double-sided with the Drag Values of Truong et al. The skilled artisan would have been motivated by the increased surface area available for use in a double-sided article compared to a single-sided article and the applied Drag Values allow for the applied invention to be tacky enough to clean, while not leaving a tacky residue or required an excessive amount of force to use the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 3-11, and 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (WO 01/80705).

12. Brown et al. disclose a cleaning sheet comprising a fabric layer with a plurality of cavities in at least one major surface (Abstract). The cavities may include a tacky bottom surface capable of enhancing the retention of dust and other particles (Abstract). Example 1 of the

Art Unit: 1771

applied application comprising a scrim supported polyester fiber nonwoven cloth, and a layer of PSA, and polyester/cotton cloth. As the PSA layer is positioned between the scrim layer and the polyester/cotton cloth the article of Brown et al. necessarily has a larger amount of tacky material in the central region than at the opposing faces of the article. The central region of PSA may be divided in a manner that allows for the amount of PSA applied to the second fiber web to be greater than that applied to the first fiber web. The fibers immediately adjacent the PSA layer would necessarily be more proximate to the central (adhesive) layer and are coated by the PSA. The fibers at the other face of the same fiber web would be more proximate to the working face and possess a lower coated volume. The cleaning sheet is substantially non-tacky when the cleaning sheet surface is kept in a non-pressed state due to the absence of PSA at the working surface.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 2, 12-14 and 25-36 are rejected under 35 U.S.C. 103(a) as obvious over Brown et al. in view of Truong et al. (US 2004/0074520). The invention of Brown et al. has been previously disclosed, but is silent as to the Drag Value of the cleaning sheet and its use of either face of the article as a cleaning sheet. The invention of Truong et al. has previously been disclosed.

Art Unit: 1771

14. It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the invention of Brown et al. double-sided with the Drag Values of Truong et al. The skilled artisan would have been motivated by the increased surface available for use in a double-sided article compared to a single-sided article and the applied Drag Values allow for the applied invention to be tacky enough to clean, while not leaving a tacky residue or required an excessive amount of force to use the invention.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdm

  
ELIZABETH M. COLE  
PRIMARY EXAMINER